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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	Case No. 18-CR-00258 EJD
	)	
Plaintiff,	)	DECLARATION OF KELLY I. VOLKAR IN
	)	SUPPORT OF UNITED STATES' OPPOSITION
v.	)	TO DEFENDANT'S ECF NO. 1000 MOTION TO
	)	EXCLUDE TESTIMONY OF TRIAL WEEK OF
ELIZABETH HOLMES,	)	SEPTEMBER 6, 2021 WITNESSES
	)	
Defendant.	)	
	)	Date: September 8, 2021
	)	Time: 8:30 a.m.
	)	Court: Hon. Edward J. Davila

1 I, Kelly I. Volkar, declare:

2 1. I am an Assistant United States Attorney (AUSA) representing the United States of  
3 America, the plaintiff in this case.

4 2. Attached hereto as Exhibit 1 is a true and correct copy of a September 2, 2021, email  
5 from the government to defense counsel.

6 3. Attached hereto as Exhibit 2 is a true and correct copy of a September 4, 2021, email  
7 from defense counsel to government counsel.

8 4. Attached hereto as Exhibit 3 is a true and correct copy of the transcript from the  
9 August 16, 2021, hearing before the Court.

10 5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts of text messages  
11 exchanged between Elizabeth Holmes and Ramesh “Sunny” Balwani, as contained in government trial  
12 exhibit 5387 at PRH\_0000219–22 and PRH\_0000254–55, which was provided to the government by a  
13 custodian of PricewaterhouseCoopers LLP and produced to defense counsel starting with Bates-stamp  
14 PRH\_0000001.

15 6. Attached hereto as Exhibit 5 is a true and correct copy of letter dated June 26, 2015  
16 from Boies, Schiller & Flexner LLP to Erika Cheung outlining notice of potential litigation, which is  
17 government trial exhibit 2567 and was produced to defense counsel starting with Bates-stamp PFM-  
18 DEPO-00005078.

19 7. Attached hereto as Exhibit 6 is a true and correct copy of an email from Sunny Balwani  
20 to Danise Yam on or about June 25, 2015, which was produced to defense counsel with Bates-stamp  
21 THPFM0005636527 and SEC2-USAO-EPROD-001504407.

22 8. Attached hereto as Exhibit 7 is a true and correct copy of checks from Theranos  
23 addressed to Interfor and David B. Fechheimer, which was produced to defense counsel starting with  
24 Bates-stamp SEC-USAO-EPROD-000109533.

25 9. Attached hereto as Exhibit 8 is a true and correct copy of an internal Theranos  
26 spreadsheet tracking payments to vendors from March 2015 to February 2016, which was produced to  
27 defense counsel as a native file Excel spreadsheet with Bates-stamp THPFM0003587316.

1           10. I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct and that this declaration is executed at Walnut Creek, California, on  
3 September 7, 2021.

4  
5 DATED: September 7, 2021

6  
7 /s/ Kelly I. Volkar  
8 KELLY I. VOLKAR  
9 Assistant United States Attorney  
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